

REMARKS

Claims 1, 3 to 5, 7 to 17 and 20 to 37 are pending, of which Claims 1, 4, 7, 12, 17, 24, 25, 28 and 31 are independent. Claims 1, 4, 5, 7, 12, 17, 24, 25, 28 and 31 are being amended, and Claim 37 is being added. Reconsideration and further examination are respectfully requested.

The Notice of Non-Compliant Amendment referred to an amendment document filed on December 19, 2007. No such amendment was filed on that date in this application. A review of the PAIR record for this application shows that the last Amendment filed was dated October 31, 2007. The amendments and remarks presented herein refer to that Amendment.

The Notice of Non-Compliant Amendment stated that the Amendment failed to meet the requirements of 37 C.F.R. § 1.121. Specifically, the Examiner stated in the amendments to the claims, deletions of five or fewer characters should have been made using double brackets instead of strike-through. It is respectfully noted that 37 C.F.R. § 1.121(c)(2) prescribes deletion by double brackets only "if strike-through cannot be easily perceived," and otherwise requires or permits deletion by strike-through. In the interest of obtaining entry of the Amendment and advancing prosecution of the application, the claim amendments are again presented, with all instances of deletions of five or fewer characters shown by double brackets.

The amendments to the claims presented herein are intended to be exactly as proposed in the Amendment dated October 31, 2007. The Remarks presented in that Amendment are repeated here for the Examiner's convenience.

By the Office Action dated September 24, 2007, Claims 17 and 36 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. In the previous paper submitted by the Applicant, Claims 17 and 36 were amended, without any concession as to the correctness of the rejection, to recite a tangible computer-readable medium. In response, the current Office Action contends that the specification as originally filed lacks support for the "tangible" language, and states that "there is insufficient antecedent basis for this limitation in the claims."

In response, the Applicant respectfully refers the Examiner to page 28 and paragraph 110 of the originally-filed application (or paragraph 134 of the published application), which states as follows:

[0110] Application code may be embodied in any form of computer program product. A computer program product comprises a medium configured to store or transport computer readable code, or in which computer readable code may be embedded. Some examples of computer program products are CD-ROM disks, ROM cards, floppy disks, magnetic tapes, computer hard drives, servers on a network, and carrier waves.

As can be seen from at least the above paragraph of the original specification, the specification identifies a number of media examples, including disks, cards tapes and hard drivers and network servers. In the Examiner's own grounds for rejection, the Examiner singles out carrier waves and contends that inclusion of carrier waves as a medium covered by the Claims 17 and 36 causes the claims to not be limited to tangible embodiments. The Examiner's own grounds for rejection seem to support the position that use of the "tangible" wording is sufficiently clear. Also, given the recent position of the PTO and case law with respect to carrier waves, the term "tangible" was added to the present claims to avoid this issue at this time. Reference is further respectfully made to MPEP § 2173.05(e), which states that a claim is indefinite only when it contains words or phrases whose meaning is unclear, that there is no requirement that the words in the claim must match those used in the specification disclosure, and that the Applicant is to be given a great deal of latitude in how it chooses to define the invention as long as the terms and phrases used define the invention with a reasonable degree of clarity and precision. In view of the Examiner's own comments, MPEP § 2173.05(e), and the specification as originally filed, it is respectfully submitted that the meaning of the term "tangible" is sufficiently clear. Reconsideration and withdrawal of the objection and the § 101 rejection are respectfully requested.

Turning to the rejections based on art, Claims 12 to 17, 35 and 36 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,976,229 (Balabanovic), Claims 1, 3 to 5 and 20 to 22 are rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,452,609 (Katinsky), Claims 7 to 11, 25 to 30 and 34 are rejected under 35 U.S.C. § 103(a) over Katinsky and U.S. Patent No. 6,026,439 (Chowdhury), and Claim 23 and 24 are rejected under §103(a) over Katinsky and U.S. Patent No. 6,925,469 (Headings), Claims 31 to 33 are rejected under 35 U.S.C. § 103(a) over Katinsky, Headings and Chowdhury. Reconsideration and withdrawal of the rejections are respectfully requested.

Claim 1 recites a system that comprises one or more servers configured to generate an interface at a site on a network for display on a user computer. The interface making a plurality of media files provided by a plurality of media file providers available to the user computer. The one or more servers are further configured to define a set of metadata attributes relating to the media files, each of the metadata attributes of the set is to be displayed in a respective predetermined location in the interface regardless of the media file or media file provider; compile a plurality of media; associate metadata attributes from the set of metadata attributes with each of the media files, and map each of the associated metadata attributes to the respective predetermined same location in the interface, so that in the interface for the user each of the associated metadata attributes appears at its respective predetermined location in the interface for all of the media files and media file providers. The interface comprises a channel description portion, a show description portion and an episode description portion. The channel description portion comprises one or more channel selections to access the plurality of media files provided by the plurality of media file providers. The show description portion displays one or more show selections, and in response to a chosen one of the one or more channel selections said show description portion displays one or more show selections corresponding to the chosen channel selection. The episode description portion displays one or more episode selections, and in response to a chosen one of the one or more show selections said episode description portion displays one or more episode selections corresponding to the chosen show selection.

The applied art, namely Katinsky, Balabanovic, Chowdhury, and Headings, fail to teach, suggest or disclose the recited interface, which comprises a channel description portion, a show description portion and an episode description portion. The channel description portion comprises one or more channel selections to access the plurality of media files provided by the plurality of media file providers. The show description portion displays one or more show selections, and in response to a chosen one of the one or more channel selections said show description portion displays one or more show selections corresponding to the chosen channel selection. The episode description portion displays one or more episode selections, and in response to a chosen one of the one or more show selections said episode description portion displays one or more episode selections corresponding to the chosen show selection.

Balabanovic focuses on a story file authoring tool that runs on a user computer to author a story file using digital photographs and narration. Balabanovic's authoring tool has a user

interface that the user uses to select digital images and add narration during the authoring process to create a story using the selected digital images and narration. The user saves the story file as an XML file or a movie file (i.e., QuickTime, MPEG or AVI), and either sends the file to someone via electronic mail or uploads the file to a server, where the file is assigned a URL which can be sent to someone.

Balabanovic does not even mention channels, shows or episodes, and further fails to mention multiple show selections corresponding to a channel being displayed in response to a chosen channel selection, and/or multiple episodes within a show, the multiple episode selections being displayed in response to a chosen one of the one or more show selections. Balabanovic fails to teach, suggest or disclose a show description portion of an interface, the show description portion displays one or more show selections, and in response to a chosen one of the one or more channel selections the show description portion displays one or more show selections corresponding to the chosen channel selection. Balabanovic further fails to teach, suggest or disclose an episode description portion that displays one or more episode selections, and in response to a chosen one of the one or more show selections said episode description portion displays one or more episode selections corresponding to the chosen show selection.

Katinsky fails to remedy the deficiencies noted with respect to Balabanovic. Katinsky provides topics and categories of information within a topic, which can be selected by the user to identify media content within a category of information. However, Katinsky fails to teach, suggest or even describe channels, multiple shows within a channel, and multiple episodes within a show. Furthermore, Katinsky fails to teach, suggest or disclose a channel description portion of an interface displaying multiple channel selections, a show description portion of the interface that displays one or more show selections, and in response to a chosen one of the one or more channel selections the show description portion displays one or more show selections corresponding to the chosen channel selection. Katinsky further fails to teach, suggest or disclose an episode description portion that displays one or more episode selections, and in response to a chosen one of the one or more show selections said episode description portion displays one or more episode selections corresponding to the chosen show selection.

The remaining references, Chowdhury and Headings, fail to remedy the deficiencies noted above with respect to Balabanovic and Katinsky.

In view of the foregoing, since the applied art is missing multiple elements of Claim 1, none of the references can form the basis of a proper § 102 rejection, and further cannot form the basis of a proper § 103(a) rejection. Claim 1 (and the claims that depend therefrom) should be patentable over the applied art. In addition, Claims 4, 7, 12, 17, 24, 25, 28, 31 and 38 (and the claims that dependent therefrom) should be patentable over the applied art for at least the same reasons.

New Claim 37 recites a system that comprises one or more servers configured to generate an interface at a site on a network for display on a user computer. The interface makes a plurality of media files provided by a plurality of media file providers available to the user computer. The one or more servers are further configured to define a set of metadata attributes relating to the media files, each of the metadata attributes of the set is to be displayed in a respective predetermined location in the interface regardless of the media file or media file provider; compile a plurality of media; associate metadata attributes from the set of metadata attributes with each of the media files, and map each of the associated metadata attributes to the respective predetermined same location in the interface, so that in the interface for the user each of the associated metadata attributes appears at its respective predetermined location in the interface for all of the media files and media file providers. The interface comprises a show description portion and an episode description portion. The show description portion displays one or more show selections. The episode description portion displays one or more episode selections, and in response to a chosen one of the one or more show selections said episode description portion displays one or more episode selections corresponding to the chosen show selection.

For at least the reasons discussed above, the applied art fails to teach, suggest or disclose an interface, which comprises a show description portion and an episode description portion. The show description portion displays one or more show selections, and the episode description portion displays one or more episode selections, and in response to a chosen one of the one or more show selections said episode description portion displays one or more episode selections corresponding to the chosen show selection.

Since each of the references is missing multiple elements of Claim 37, none of the references can form the basis of a proper § 102 rejection, and further cannot form the basis of a proper § 103(a) rejection. Claim 37 should therefore be patentable over the applied art.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.


Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney. Alternatively, since it is believed that the claims of the present application are in condition for allowance, the Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience.

The applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

Date: March 6, 2008


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